

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.
an Ontario, Canada corporation,

Plaintiff,

v.

OCEAN SPRAY CRANBERRIES, INC.,
a Delaware corporation,

Defendant.

Civ. Action No. 04-12679-MLW

JOINT STATEMENT PURSUANT TO FRCP 26(f) AND LOCAL RULE 16.1(d)

In accordance with Local Rule 16.1(d), plaintiff Amazin' Raisins International, Inc. ("ARI") and defendant Ocean Spray Cranberries, Inc. ("Ocean Spray") submit this joint statement in preparation for a Scheduling Conference pursuant to Fed. R. Civ. P. 16(a) and Local Rule 16.1(a) scheduled for April 22, 2005. This statement is based upon the conference of counsel that was held on April 1, 2005, pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(b) regarding an agenda for matters to be discussed at the scheduling conference and a proposed pretrial schedule for the case.

I. Summary of Discovery Conducted to Date

The parties have served their Initial Disclosures by April 21, 2005.

II. Proposed Discovery and Motion Plan

Pursuant to Fed. R. Civ. P. 26 and Local Rule 16.1(d)(1)-(2), the parties propose the following pretrial schedule, provided, however, that nothing herein prevents the parties from requesting other types of discovery which shall be completed within the schedule below.

- | | | |
|-------|--|-------------------|
| A. | Deadline for joining additional parties and amending pleadings | June 15, 2005 |
| B. | Fact discovery cutoff | November 15, 2005 |
| C. | Deadline for the parties to identify trial experts for issues on which they bear the burden of proof and to serve the written reports for each such expert | December 15, 2005 |
| D. | Deadline for the parties to identify any rebuttal experts and to serve the written reports for each such rebuttal expert | February 1, 2006 |
| <hr/> | | |
| E. | Deadline for completing expert discovery | March 15, 2006 |
| F. | Deadline for filing non-dispositive motions | April 3, 2006 |
| G. | Deadline for filing dispositive motions | April 28, 2006 |
| H. | Target trial commencement date | July 17, 2006 |

III. Discovery Limitations

The parties do not agree on the application of the discovery limitations set forth in Local Rule 26.1(c). Ocean Spray believes the limitations on discovery in Local Rule 26.1(c) should apply. Amazin Raisin believes that the limitations on discovery in Local Rule 26.1(c) should apply with the following modifications: (1) the number of depositions for each side shall be 10 fact depositions and an appropriate number of expert depositions to be determined; and (2) the number of separate sets of request for production shall be (3) such sets. The positions of the parties on the proposed modification of the rules shall be without prejudice to any party's subsequent application for leave for additional discovery.

IV. Trial by Magistrate Judge

The parties do not consent to trial before a Magistrate Judge.

V. Settlement

Plaintiffs have provided a written settlement proposal to Ocean Spray no later than 10 days before the date for the scheduling conference in accordance with Local Rule 16.1(c).

VI. Stipulated Protective Order

The parties will negotiate the form of a Protective Order. Assuming agreement can be reached, the parties would thereafter file a joint motion or stipulation to have the Protective Order entered by the Court.

VII. Certifications

Plaintiff's certification pursuant to Local Rule 16.1(d)(3) is attached hereto as Exhibit A. Ocean Spray's certification is attached as Exhibit B.

Respectfully submitted,

Respectfully submitted,

AMAZIN' RAISINS INTERNATIONAL, INC. OCEAN SPRAY CRANBERRIES, INC.

By their Attorneys,

By their Attorneys,

/s/ Gina M. McCreadie
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*Attorneys for Plaintiff
Amazin' Raisins International, Inc.*

*Attorneys for Defendant
Ocean Spray Cranberries, Inc.*

Dated: April 15, 2005

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CERTIFICATION OF AMAZIN' RAISINS INTERNATIONAL, INC.
PURSUANT TO LOCAL RULE 16.1(d)(3)

Pursuant to Local Rule 16.1(d)(3), plaintiff Amazin' Raisins International, Inc. ("ARI") and its undersigned counsel hereby certify that they have conferred with a view of establishing a budget for the costs of conducting the full course and various alternate courses of the litigation. ARI and its undersigned counsel have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Dated: April 15, 2005



Jack Mazin, President and CEO
Amazin' Raisins International, Inc.

Dated: April 15, 2005



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EXHIBIT A

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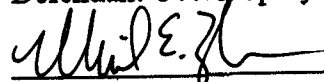
OCEAN SPRAY'S LR 16.1(d)(3) CERTIFICATION

Pursuant to LR 16.1(d)(3), Ocean Spray Cranberries, Inc. and its undersigned counsel hereby certify that they have conferred with a view of establishing a budget for the costs of conducting the full course and various alternate courses of the litigation. Ocean Spray and its undersigned counsel have also conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

Dated: 4/15/05

Dated: 4/15/05


Alana Sharenow
Authorized Representative of
Defendant Ocean Spray Cranberries, Inc.


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